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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1015 OF 2007
IN
FIRST APPEAL NO.139 OF 2006

Titus Jose ...Applicant
V/s.
The New India Assurance Co. Ltd., Mumbai & Anr. ...Respondents

Mr.M.G. Barve, Advocate, for the Applicant.

Mr.S.S. Vidhyarthi, Advocate, h/f. S.M. Vidyarthi, for the Respondents.

CORAM : J.N. PATEL &
A.A. SAYED, JJ.

DATE : 17TH SEPTEMBER, 2007.

P.C. :

1. Applicant-claimant has already permitted to withdraw a sum of Rs.6 lacs without furnishing security/surety. In the facts and circumstances of the case, it will not be proper to permit the applicant-claimant to withdraw the additional sum of Rs.13 lacs without furnishing security/surety. Therefore, we are not inclined to consider the Civil Application and the same is rejected.

2. Nothing prevents the applicant-claimant from withdrawing the amount of Rs.13 lacs on furnishing security/surety to the satisfaction of the Tribunal.

[A.A. SAYED, J.] **[J.N. PATEL, J.]**